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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

PATRICIA DESANTIS, individually and as
Successor in Interest for RICHARD
DESANTIS, deceased, and as Guardian Ad
Litem for DANI DESANTIS, a minor, and
TIMOTHY FARRELL, a minor,

Plaintiffs,

vs.

CITY OF SANTA ROSA, JERRY SOARES,
RICH CELLI, TRAVIS MENKE, PATRICIA
MANN and DOES 1 through 25, inclusive,

Defendants.

Case No. C 07 3386 JSW

**ADMINISTRATIVE MOTION TO
CONSIDER WHETHER CASES SHOULD
BE RELATED (CIVIL L.R. 3-12)**

No hearing date pursuant to Civil L.R. 7-11

ADRIANNE DESANTIS,
Plaintiffs,

vs.

CITY OF SANTA ROSA, a municipal
corporation; EDWIN FLINT, in his capacity as
Chief of Police for the CITY OF SANTA
ROSA; PATRICIA MANN, individually, and in
her capacity as an officer for the CITY OF
SANTA ROSA; RICH CELLI, individually and
in his capacity as an officer for the CITY OF
SANTA ROSA; TRAVIS MENKE, individually
and in his capacity as an officer; and DOES 1-
25, inclusive, individually and in their capacities
as officers for the CITY OF SANTA ROSA,

Defendants.

Case No. C 07 04474 BZ

NOTICE

NOTICE TO ALL COUNSEL OF RECORD IN PATRICIA DESANTIS, et al. v. CITY OF SANTA ROSA, et al. case no. C 07 3386 and in ADRIANNE DESANTIS, et al. v. CITY OF SANTA ROSA, et al. case no. C 07 04474.

This Motion for Administrative Relief is brought by ADRIANNE DESANTIS, Plaintiff in ADRIANNE DESANTIS v. CITY OF SANTA ROSA, et al. case no. C 07 04474 BZ pursuant to Civil Local Rules 7-11 and 3-12. No hearing date is scheduled, pursuant to Civ. L. R. 7-11.

For the reasons stated below, Plaintiff ADRIANNE DESANTIS requests that this court find her new civil action to be related to the present case, because both actions concern substantially the same defendants, arise from the same shooting death of decedent RICHARD DESANTIS, and because it appears likely that there will be an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different judges.

MEMORANDUM OF POINTS AND AUTHORITIES

Civil Local Rule 3-12 sets forth the following format and factors to be considered for an administrative motion to consider whether cases should be related:

1. TITLE AND CASE NUMBER OF EACH APPARENTLY RELATED CASE:

- a. PATRICIA DESANTIS, et al. v. CITY OF SANTA ROSA, et al. case no. C 07 3386 (hereinafter, "PATRICIA DESANTIS");
- b. ADRIANNE DESANTIS, et al. v. CITY OF SANTA ROSA, et al. case no. C 07 04474 (hereinafter, "ADRIANNE DESANTIS");

2. RELATIONSHIP OF THE ACTIONS ACCORDING TO CRITERIA SET FORTH IN CIVIL L.R. 3-12:

- a. Both Actions Concern Substantially the Same Parties, Policies, and Events.

Both actions arise from the April 9, 2007 shooting and killing of decedent RICHARD DESANTIS. PATRICIA DESANTIS is decedent's wife, while ADRIANNE DESANTIS is decedent's mother. Plaintiffs allege causes of action against the same Defendants, except that ADRIANNE DESANTIS, but not PATRICIA DESANTIS, has alleged a *Monell*-type violation against Defendant EDWIN FLINT, in his official capacity as Santa Rosa Chief of Police, while PATRICIA DESANTIS, but not ADRIANNE DESANTIS has named JERRY SOARES as a defendant. Both cases involve the same policies underlying the same event, leading to the shooting and killing of the same decedent, including allegations of excessive force against the same Defendant Officers.

b. It Appears Likely That There Will Be an Unduly Burdensome Duplication of Labor and Expense or Conflicting Results If the Cases Are Conducted Before Different Judges.

These cases will require essentially the same discovery for section 1983 liability against the same individually named Defendant Officers, and the same discovery regarding Monell municipal liability claims. The same SANTA ROSA Police Department command staff and officers will need to be deposed; the same documents will need to be produced and examined; and to the extent expert testimony is required, it will cover essentially the same liability issues. Additionally, the same discovery will be taken with respect to Defendants CELLI's, MENKE's, and MANN's history and training.

Ultimately, the injunctive relief claims in each action can best be resolved together, whether resolution of such claims is by settlement or by the factual and legal rulings of a court. Settlement is greatly complicated, and conflicting rulings are quite possible, if these actions proceed separately.

For the reasons stated herein, Plaintiffs Foster and Duarte respectfully request that this Court relate the newly filed ADRIANNE DESANTIS action with the previously filed PATRICIA

1 DESANTIS action.

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5 DATED: September 18, 2007

LAW OFFICES OF JOHN L. BURRIS

6
7 /s/ Benjamin Nisenbaum

8 Benjamin Nisenbaum

9 Attorneys for Plaintiff

10 ADRIANNE DESANTIS

11
12 **(PROPOSED) ORDER**

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14 THE COURT HEREBY FINDS that PATRICIA DESANTIS, et al. v. CITY OF Santa Rosa,
15 et al. case no. C 07 3386 and ADRIENNE DESANTIS, et al. v. CITY OF SANTA ROSA, et al. case
16 no. C 07 04474 concern substantially the same event and would result in an unduly burdensome
17 duplication of labor and expense if the cases are not related.

18 THE COURT HEREBY ORDERS PATRICIA DESANTIS, et al. v. CITY OF SANTA
19 ROSA, et al. case no. C 07 3386 and ADRIENNE DESANTIS, et al. v. CITY OF SANTA ROSA, et
20 al. case no. C 07 04474 related cases pursuant to Local Rule 3-12.

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23 Dated: _____

UNITED STATES DISTRICT JUDGE